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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 26th May, 1967:—

BILL No 36 OF 1967

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Hindu Marriage (Amendment) Act, 1967. Short title.

2. In section 13 of the Hindu Marriage Act, 1955, in sub-section (*1A*), — Amendment of section 13

25 of 1955.

(*a*) at the end of clause (*ii*), the word "or" shall be inserted; and

(*b*) after clause (*ii*), the following clause shall be inserted namely:—

"(*iii*) that there has been no resumption of cohabitation as between the parties to the marriage for a period of two years or upwards after passing of a decree or order for separate maintenance under section 488 of the Code of Criminal Procedure, 1898 in a proceeding in which they were parties."

5 of 1898.

STATEMENT OF OBJECTS AND REASONS

Where one of the parties to a marriage is not willing to return to conjugal life the other party must not be allowed to suffer and be compelled to live a single life all along. This is likely to lower the standard of morality in society.

Under the Hindu Marriage Act of 1955, a person after Judicial Separation is allowed to present a petition for dissolution of marriage by decree of divorce, on expiry of two years from the date of decree. It is, therefore, proper that a person who is in position of separation in conjugal life by virtue of a decree of separate maintenance under section 488 of Criminal Procedure Code should be given same right for dissolution of marriage by a decree of divorce.

NEW DELHI;
The 21st March, 1967.

N. C. CHATTERJEE.

BILL NO. 51 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title and commencement

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1967

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of article 80.

2. In article 80 of the Constitution,—

(*i*) in sub-clause (*a*) of clause (*1*), the words "in accordance with the provisions of clause (*3*)" shall be omitted; and

(*ii*) clause (*3*) shall be omitted.

Amendment of article 171.

3. In article 171 of the Constitution,—

(*i*) in sub-clause (*e*) of clause (3), the words "in accordance with the provisions of clause (5)" shall be omitted; and

(*ii*) clause (5) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Men of literature, science, arts and social services by themselves have little to do in the legislatures as at present. They would render better service to the country and the people by utilising their time in making contributions in their own fields. In ancient days men with special knowledge and experience in arts, etc. used to adorn the royal courts. But in such courts they were needed to make contributions in their own fields. They had that scope and were not required to follow and participate in the routine of official business. That background does not exist in our present day legislatures and the scope is also not there. These provisions in the Constitution, therefore, do not serve any useful purpose and should be omitted.

Hence this Bill.

NEW DELHI; C. K. BHATTACHARYYA.

The 4th April, 1967.

BILL NO. 53 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.

2. In article 124 of the Constitution, in clause (7), after the words "within the territory of India", the words "or shall be eligible for further employment either under the Government of India or under the Government of a State or under a private body in any capacity whatsoever" shall be inserted. Amendment of article 124.

Amendment of article 220.

3. In article 220 of the Constitution, after the words "and the other High Courts", the words "or shall be eligible for further employment either under the Government of India or under the Government of a State or under a private body in any capacity whatsoever" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

In our country the Judiciary has been held in high esteem on account of its traditional independence and impartiality. In the days gone by, the Judges refused to accept even invitations to functions and parties organised by Government so that the independence and impartiality of the Judges could not be tarnished. Nowadays, instances of acceptance of office by the Judges of the Supreme Court or the High Courts after their retirement are not rare. This may lead to the belief, however unfounded it may be, that the Judges are amenable to influence by the lure of office after their retirement. Hence, acceptance of office, even in an honorary capacity, by the Judges of Supreme Court and the High Courts after their retirement is not desirable.

Already there is a provision in the Constitution of India imposing restriction on the Comptroller and Auditor General of India in the matter of acceptance of office. It is all the more necessary that similar restriction should be imposed on the Judges of Supreme Court and High Courts.

The Bill seeks to remove the lacuna in the Constitution by prohibiting such acceptance of office by the Judges after retirement.

NEW DELHI; C. K. BHATTACHARYYA.

The 4th April, 1967.

BILL NO. 54 OF 1967

a Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1967.

Amendment of article 48.

2. In article 48 of the Constitution—

(*i*) after the words "calves", the words "bulls and bullocks" shall be inserted.

(*ii*) after the word "cattle", the words "of all ages" shall be inserted.

3. In the Seventh Schedule to the Constitution, in List III—Concurrent List, for entry 17 the following entry shall be substituted, namely:— Amendment of Seventh Schedule.

"17. Prevention of the slaughter of the cow and her progeny and of cruelty to other animals".

STATEMENT OF OBJECTS AND REASONS

In view of the fact that certain difficulties have been experienced in the way of the Government of India to enact a law for the prohibition of the slaughter of the cow and her progeny for the whole country, due to certain provisions in the Constitution of India, it is proposed through this Bill to remove those difficulties, the proposed amendments being merely enabling provisions.

NEW DELHI;
The 3rd April, 1967.

DIGVIJAI NATH.

BILL NO. 38 OF 1967

a Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 1967. Short title.

45 of 1860.

2. In section 324 of the Indian Penal Code (hereinafter referred to as the principal Act) the words "or any corrosive substance" shall be omitted. Amendment of section 324.

Insertion of new section 324A.

3. After section 324 of the principal Act, the following new section shall be inserted, namely:—

Voluntarily causing hurt by means of corrosive substance.

"324A. Whoever voluntarily causes hurt by means of any corrosive substance, shall be punished with rigorous imprisonment for a term not less than three years and shall also be liable to fine."

Amendment of section 326.

4. In section 326 of the principal Act, the words "or any corrosive substance" shall be omitted.

Insertion of new section 326A.

5. After section 326 of the principal Act, the following new section shall be inserted, namely:—

Voluntarily causing grievous hurt by means of corrosive substance.

"326A. Whoever voluntarily causes grievous hurt by means of any corrosive substance shall be punished with imprisonment for life and shall also be liable to fine."

STATEMENT OF OBJECTS AND REASONS

Of all the offences affecting human body, throwing of acids is the most heinous. It not only destroys the happiness of the human being against whom such offence is committed, but also ruins the entire family. There have been cases where the parents have died as the result of the shock after seeing the condition of their daughter—the victim of such an outrage. Of late, an increase in the incidence of such crime is being noticed. Only a highly deterrent punishment can check such crimes. Hence this Bill.

NEW DELHI; C. K. BHATTACHARYYA.

The 5th April, 1967.

BILL NO. 52 OF 1967

a Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1967.

Amendment of Article 343.

2. In clause (*1*) of Article 343 of the Constitution—

(*1*) for the word "language" the word "languages" shall be substituted; and

(*2*) after the word "Hindi" the words "and Sanskrit" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Sanskrit presents the greatest common measure of agreement in its vocabulary among most of the languages of modern India. This language is also vital to the development of most of the modern languages of India.

2. The Bill, therefore, proposes to amend article 343 so as to include Sanskrit as one of the Official languages of the Union.

NEW DELHI; C. K. BHATTACHARYYA.
The 5th April, 1967.

BILL No. 55 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1967.

Amendment of Eighth Schedule.

2. In the Eighth Schedule to the Constitution,— 5

(*a*) entries 7 to 15 shall be re-numbered as entries 8 to 16 respectively, and

(*b*) before entry "8" as so re-numbered, the entry "7. Maithili," shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Under the Eighth Schedule to the Constitution, only 15 languages of India have been recognised. "Maithili" is one of the major languages of India spoken by nearly two crores of people and claims vast literature dating back to centuries. It is but fair that "Maithili" language is also recognised as one of the major languages and incorporated in this Schedule.

The Bill seeks to achieve this objective.

NEW DELHI; YAMUNA PRASAD MANDAL.

The 8th April, 1967.

BILL No. 40 OF 1967

A Bill to encourage trade unionism among the employees and to provide for collective bargaining between the employers and representative trade unions of employees.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Recognition of Trade Unions Act, 1967.

(2) It shall come into force at once.

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2. In this Act, unless the context otherwise requires,— Definitions

(a) "appropriate Government" means, in relation to trade unions whose objects are not confined to one State, the Central Government, and in relation to other trade unions, the State Government;

(b) "employer" means—

(i) in relation to an industry carried on by or under the authority of any department of the Central Government or a State Government, the authority prescribed in this behalf or where no authority is prescribed, the head of the department concerned;

(ii) in relation to an industry carried on on behalf of a local authority, the Chief Executive Officer of that authority; and

(iii) in private industry, any employer or association of employers;

(c) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen.

Explanation.—For the purposes of recognition, "industry" may mean either a single industrial establishment or all the industrial establishments in a particular local area to be defined by the appropriate Government provided that the total number of employees engaged in the establishment or in the industry in the local area is at least fifty.

3. There shall be set up under this Act a Trade Union Authority by each appropriate Government consisting of one or three non-official persons with wide experience of industrial relations. Trade Union Authority.

4. Any trade union registered under the Indian Trade Unions Act, 1926, shall be entitled to apply to the Trade Union Authority set up under this Act for recognition as the sole bargaining agent of the employees in a particular industry subject to the following conditions:— Recognition of Trade Unions.

16 of 1926.

(a) that it has a minimum membership of 15 per cent of the total number of employees engaged in that industry;

(b) that among the various trade unions in that industry it enjoys the support of the largest number of employees in that industry;

(c) that it holds its annual elections democratically and in such a manner that the interval between any two elections is not more than 15 months;

(d) that its managing committee meets at least once in three months;

(e) that its membership is open to all employees in the industry concerned;

(f) that it has a minimum membership fee of one rupee per month;

(g) that its constitution has a mandatory provision for the holding of a ballot for declaring a strike and for collecting a strike fund before a strike is undertaken.

Certificate of recognition.

5. On receipt of the application for recognition, the Trade Union Authority shall ascertain whether the union has complied with all the conditions laid down in section 4 and, after satisfying itself, grant the union a certificate of recognition for that particular industry and, in case there is more than one union which has complied with the conditions, to the union which has the largest membership in that industry.

Ballot.

6. If the difference in the membership of the two largest unions applying for recognition is less than 5 per cent. of the total membership of the union held to be the largest by the Authority, it shall be open to the other union to ask for a ballot for settling the question of their representative character.

Voting.

7. The ballot shall be held by the Trade Union Authority within a reasonable time and all employees who have not opted out from trade union membership under this Act shall be entitled to vote in the ballot.

Subscription for Trade Union membership.

8. The trade union subscription, which shall be at least one rupee per month but may be upto 1 per cent. of the net monthly earnings of an employee, shall be deducted by the management from his salary and the proceeds thereof paid to the union of the employee's own choice:

Provided that at least 5 per cent. of the employees of the organisation are members of that union:

Provided further that the subscription of the employees who have informed the appropriate Government of their decision to opt out from trade union membership shall not be so deducted.

9. The recognition of a trade union shall be for a period of two years unless withdrawn earlier by the Trade Union Authority for violation of any of the conditions mentioned in section 4. Period of recognition.

10. The recognition may be renewed if it is found by the Trade Union Authority that the union continues to comply with all the conditions mentioned in sections 4 and 5. Renewal of recognition.

11. The recognised trade union shall be entitled to negotiate with the employers in respect of all matters connected with the employment or non-employment or the problems of the employment or the conditions of labour of an area in all its particulars and the employers shall not refuse to reply to letters sent by the said trade union or to hold discussions with the representatives of that union within a reasonable time on a representation being made by that union. Recognised Trade Union to negotiate with employers.

STATEMENT OF OBJECTS AND REASONS

After a century of industrial growth, the condition of the trade union movement in this country remains very anaemic. There are divisions within the ranks of the working class, the membership of trade unions is small, subscriptions low and their financial base very weak. There are interminable disputes among the rival unions about their representative character. Loud protests are daily being voiced against the refusal by the employers, including managements in the public sector and Government departments, to extend recognition to trade unions and treat them as sole bargaining agents for particular industries.

It is significant that the employers' representative, Shri Naval Tata, has recently come up in support of ballot as the most effective method of settling disputes about the representative character of rival unions.

This Bill seeks to provide for the compulsory recognition of unions as the sole bargaining agent provided they fulfil certain specified conditions. In case of dispute, it also provides for settling the question of the representative character of rival unions through ballot. The provisions of the Bill are designed to encourage healthy trade unionism in the country.

NEW DELHI;
24th April, 1967.

MADHU LIMAYE.

FINANCIAL MEMORANDUM

The expenditure on each Trade Union Authority envisaged under this Bill will be approximately Rupees two lakhs per year.

BILL No. 50 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1967.

Amendment of article 31.

2. In article 31 of the Constitution, for clause (2), the following clause shall be substituted, namely:—

"(2) No property shall be compulsorily acquired or requisitioned save by authority of a law which provides for the rehabilitation of the person or persons whose property has been so acquired or requisitioned.".

STATEMENT OF OBJECTS AND REASONS

Concentration of wealth and economic power in the hands of an insignificant minority and appropriation by it of a large portion of the national income is patently against the objective of socialism which our people and Parliament have accepted.

Quick realisation of the socialist goal calls for a new approach to the question of property. The so-called sanctity that is supposed to attach to property rights in the means of production and the rigid constitutional provision about payment of compensation to property owners have blocked rapid social change and have strengthened the forces of capitalism and speculation in our economy.

A judge of the Supreme Court has in his recent judgement said that it was a mistake to include property as a fundamental right in Part III of the Constitution.

The report of the Monopolies' Commission and the study by Dr. Hazari on the appropriation by the Birla Group of Companies of a lion's shares in the industrial licences granted by the Government call for drastic action with a view to reducing concentration of wealth and property in the hands of a few big people.

This amendment seeks to replace the retrograde principle of compensation by the progressive, socialistic and humane concept of rehabilitation.

NEW DELHI; MADHU LIMAYE.

24th April, 1967.

BILL NO. 39 OF 1967

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Representation of the People (Amendment) Act, 1967.

Amendment of section 14.

2. In section 14 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), to sub-section (2), the following further proviso shall be added, namely:— 5 43 of 1951.

"Provided further that the date or dates recommended by the Election Commission shall be different from the date or dates

recommended for holding elections to Assembly constituencies in a State or States under section 15."

Amendment of section 15

3. In section 15 of the principal Act, to sub-section (2), the following further proviso shall be added, namely:—

"Provided further that the date or dates recommended by the Election Commission shall be different from the date or dates recommended for holding election to parliamentary constituencies under section 14."

STATEMENT OF OBJECTS AND REASONS

At present, elections to Parliamentary and Assembly constituencies are held simultaneously. At the time of elections, important national issues are raised, but often these get mixed up and are clouded by local issues. In order that the electorate gets a chance to consider the national and inter-national issues properly, it is necessary that elections to Parliamentary constituencies should be held on dates different from those fixed for elections to Assembly constituencies.

Hence this Bill.

NEW DELHI; NATH PAI.
The 26th April, 1967.

BILL NO. 56 OF 1967

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1967. Short title.

2. Article 152, clause (4) of article 352, clause (5) of article 361, clause (4) of article 367, further proviso to article 368 and article 370 shall be omitted. Omission of article 152 etc.

3. Part XVII of the Constitution shall apply also to the State of Jammu and Kashmir so far as it may not be inconsistent with any other provision of the Constitution.

4. Articles 356, 357, 360, 365, 369, 373, 376, 377, 378, 392, 394 and 395 shall apply also to the State of Jammu and Kashmir.

5. Articles 372 and 374 shall stand as they were before they were amended.

STATEMENT OF OBJECTS AND REASONS

In the present context the provisions of the Constitution relating to the State of Jammu and Kashmir are inconsistent with declared policy of the Government and the facts of the case. It is desirable that the State of Jammu and Kashmir is brought at par with the other States. Therefore, it is high time that the special provisions in regard to the State of Jammu and Kashmir are abrogated.

Hence this Bill.

NEW DELHI; KANWAR LAL GUPTA.

The 26th April, 1967.

BILL No. 44 OF 1967

A Bill further to amend the Salaries and Allowances of Ministers Act, 1952.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Salaries and Allowances of Ministers (Amendment) Act, 1967.

(*2*) It shall come into force at once.

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LVIII of 1952.

2. In section 3 of the Salaries and Allowances of Ministers Act. 1952 (hereinafter referred to as the principal Act):— Amendment of section 3.

(i) For the words "two thousand, two hundred and fifty" the words "two thousand five hundred" shall be substituted;

(ii) For the words "one thousand, seven hundred and fifty" the words "two thousand" shall be substituted.

3. In section 4 of the principal Act:— Amendment of section 4.

(*i*) For the words "a furnished" the words "an un-furnished" shall be substituted;

(*ii*) After the words "and no charge shall fall on the Minister personally in respect of the maintenance of such residence", the words "except for the provision of electricity and water" shall be inserted.

4. In section 5 of the principal Act:— Amendment of section 5.

(*i*) For the words "five hundred", the words "two hundred" shall be substituted;

(*ii*) After the words "Deputy Minister", the words "and a Minister of State" shall be inserted.

5. In section 7 of the principal Act, after the words "shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment", the words "with maximum expenses of Rs. 1,000 in a year" shall be inserted. Amendment of section 7.

STATEMENT OF OBJECTS AND REASONS

A large amount is spent on Ministers' residences on account of furniture, water and electricity, etc. This is disapproved by everybody. The amending Bill seeks to do away with the aforesaid amenities which were provided in the salaries and allowances of Ministers Act, 1952, while increasing their salaries by Rs. 250/- per month.

NEW DELHI; KANWAR LAL GUPTA.

The 26th April, 1967.

FINANCIAL MEMORANDUM

Additional expenditure will be incurred on account of enhancement of salaries of Ministers by Rs. 250/- per month but the saving on furniture, water, electricity etc. will be so substantial that in the end no extra expenses will have to be incurred owing to the passage of this Bill.

S. L. SHAKDHER,
Secretary.

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